

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-File: 09/13/2010

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

DONALD A MCFARLAND
MAUREEN MCFARLAND

Debtor(s).

Chapter 13
BKS-08-14464-LBR
SUPPLEMENTAL
MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS
MOTION TO DISMISS
Hearing Date: October 21, 2010
Hearing Time: 2:00 pm

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for her motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on May 03, 2008.
2. Chapter 13 Plan was confirmed by the Court on 07/24/2008.
3. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 (c) for one or more of the following reasons, to wit:
(c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:

- Failure to make plan payments

The last payment by the debtor(s) was made on 09/08/2010 and the debtor(s) is \$550.00 in default under the terms of the current plan. Accordingly, Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**

- A. cure(s) the default **AND** remain(s) current with all future payments coming due, **OR**
- B. file a Modified Plan.

The Chapter 13 Trustee, Kathleen A. Leavitt filed a Motion to Dismiss Debtor(s) Bankruptcy on 4/30/2010. The Supplemental Motion to Dismiss has been filed to advise the Court of Debtor(s) current arrearage amount. Pursuant to the Confirmed Chapter 13 Plan Debtor(s) is/are \$550.00 delinquent to the Chapter 13 Plan.

WHEREFORE, the Trustee prays the Court issue an order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

DATED: 9/13/2010
jec

/s/ KATHLEEN A LEAVITT
Kathleen A. Leavitt
CHAPTER 13 BANKRUPTCY TRUSTEE